

**DMPC Decision – PCD 1151****Title: Procurement of Clinical and Offensive Waste Services****Executive Summary:**

This service requires the collection of Offensive and Clinical Waste from internal and external locations across the MOPAC Metropolitan Police Services (MPS) estate to support operations. This paper seeks approval to initiate the re-procurement of the service from April 2023 when the current contract expires. The re-procurement is proposed for a term of up to 5 years (3 years initial period with two 1 year optional extensions). Over the potential 5 years the estimated value of the contract is £799,000.

**Recommendation:**

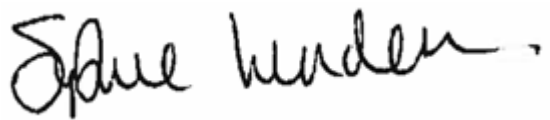
The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the initiation of the re-procurement activity for the Clinical and Offensive Waste via ESPO Framework 239 including re-packaging elements of the scope of requirements at value of £799,000 for a contract term of 5 years (3 years base term + two 1 year extensions)
2. Approve the awarding of the contracts to the successful bidders following a compliant competition procedure within a 10% tolerance of the values outlined in this paper –to be signed off by the MPS Director of Commercial

**Deputy Mayor for Policing and Crime**

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

**Signature****Date 21/04/2022**

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC**

### **1. Introduction and background**

- 1.1. This service requires the collection of Offensive and Clinical Waste from internal and external locations across the MOPAC estate to support operations.
- 1.2. MOPAC approved the award of contract for this service in April 2018 on a 5 year contract term -3 years plus two 1 year optional extension periods. The first extension was taken expiring at the end of April 2022 and the Metropolitan Police Service (MPS) under delegated authority will award the second extension enabling the provision of the service until end April 2023.
- 1.3. This paper seeks approval for the re-procurement of the service from April 2023.

### **2. Issues for consideration**

- 2.1. In 2021 the service was re-tendered. This resulted in only one bid from the incumbent and at higher prices than the current contract and so the optional contract extensions were awarded.
- 2.2. The re-procurement of this service will support policing operations and the welfare of police officers and staff.

### **3. Financial Comments**

- 3.1. The total estimated contract value of this procurement is up to £799,000 over a 5 year period. The MPS have confirmed that costs will be met within existing resources.

### **4. Legal Comments**

- 4.1. The Mayor's Office for Policing and Crime is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of public contracts for goods and/or services valued at £213,477 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.
- 4.2. The MPS Legal Services confirm that the proposed route to market is compliant.
- 4.3. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve all requests to go out to tender for contracts of £500,000 or above.

### **5. Commercial Issues**

- 5.1. This service requires the collection of Offensive and Clinical Waste from internal and external locations across the estate to support operations. The re-procurement is

proposed for a term of upto 5 years (3 years initial period with two 1 year optional extensions).

- 5.2. The MPS assure that there was engagement with the GLA bodies to understand opportunities for collaboration but that none were identified.
- 5.3. The MPS propose to use the Eastern Shires Purchasing Organisation (ESPO) framework which provides a compliant route to market.
- 5.4. The MPS state that they will ensure ESPO have included the Anchor Institution Charter requirements as a part of the Invite to Tender (ITT) pack when tendering on behalf of the MPS. This will constitute part of the social value/ responsible procurement section that will have a minimum of 10% weighting on the tender evaluation.

## **6. GDPR and Data Privacy**

- 6.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.
- 6.2. The MPS assure that the project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

## **7. Equality Comments**

- 7.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. The MPS assure that the framework provider ESPO (Eastern Shires Purchasing Organisation) have completed all due diligence against their suppliers including Equality and Diversity. MPS have confirmed with ESPO that the London Living Wage must be used for this tender.

## **8. Background/supporting papers**

- Appendix 1 MPS Report - MPS Procurement PIB Paper - Clinical and Offensive Waste

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

**Part 1 Deferral:**

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date: n/a

**Part 2 Confidentiality:** Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – YES

**ORIGINATING OFFICER DECLARATION**

*Tick to confirm statement (✓)*

**Financial Advice:**

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

**Legal Advice:**

The MPS legal team has been consulted on the proposal.

✓

**Equalities Advice:**

Equality and diversity issues are covered in the body of the report.

✓

**Commercial Issues**

Commercial issues are covered in the body of the report.

✓

**GDPR/Data Privacy**

GDPR compliance issues are covered in the body of the report .

✓

**Drafting Officer**

Alex Anderson has drafted this report in accordance with MOPAC procedures.

✓

**Director/Head of Service:**

The interim MOPAC Chief Finance Officer and Director of Corporate Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature



Date 12/04/2022



## MPS Procurement PIB Paper - Clinical and Offensive Waste

### MOPAC Investment Advisory & Monitoring meeting on 3rd March 2022

#### Report by The FM (Facility Management) integrator on behalf of the Chief of Corporate Services

**Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC**

#### *EXECUTIVE SUMMARY*

The current contract for the Provision of Clinical and Offensive Waste Service Line was awarded to Personal Hygiene Services (PHS) on 30th April 2018 on a 5 year contract (3 year plus two 1 year optional extension periods).

The contract currently expires on 29th April 2022. A further extension for this contract is going through Delegated Authority approval to extend this contract by the remaining 1 year optional period, bringing the expiry date to 29th April 2023. A new agreement is required to maintain the service following the 29<sup>th</sup> April 2023.

The key elements the Portfolio and Investment Board are to approve include:

1. Re-package and initiate a re-procurement activity for Clinical and Offensive Waste via ESPO (Eastern Shires Purchasing Organisation) Framework 239 at value of £799K for a contract term of 5 years (3 years base term + two 1 year extensions)
2. To award the contract(s) to the successful bidder(s) following a compliant mini competition procedure within a 10% tolerance of the values outlined in this paper –to be signed off by the MPS (Metropolitan Police Service) Director of Commercial

#### **Recommendations**

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

1. Approve the initiation of the re-procurement activity for the Clinical and Offensive Waste via ESPO (Eastern Shires Purchasing Organisation) Framework 239 including re-packaging elements of the scope of requirements at value of £799K for a contract term of 5 years (3 years base term + two 1 year extensions)

2. Approve the awarding of the contracts to the successful bidders following a compliant competition procedure within a 10% tolerance of the values outlined in this paper –to be signed off by the MPS Director of Commercial.

### **Time sensitivity**

A decision is required from the Deputy Mayor by (25/03/2022). This is because procurement process commences in April 2022 and will allow the Authority to reprocure the Clinical and Offensive Waste Service prior to the end of the full term of the incumbent contract.

## **Non-confidential facts and advice to the Deputy Mayor for Policing and Crime**

### **Introduction and background**

3. The contract for the Provision of Clinical and Offensive Waste was awarded to Personal Hygiene Services (PHS) on 30th April 2018 on a 5 year contract (3 year plus two 1 year optional extension periods).
4. The Authority have already extended this contract by 1 year, expiring 29th April 2022. A further extension for this contract is going through Delegated Authority approval to extend this contract by the remaining 1 year optional period, bringing the expiry date to 29th April 2023.
5. The service was last tendered in early 2021, however only one tender was received from the incumbent (PHS) and this showed a significant price increase on current contract rates.
6. This Service line requires the collection of Offensive and Clinical Waste from internal and external locations across the Authority's estate to support operations. The Estate covers the 32 boroughs within the Greater London area and a number of locations on the outskirts within the MPS Greater London District. This service includes:
  - Regular planned collections as agreed in the Building Services Matrix to Clinical and Offensive waste receptacles including and overspill or separate yellow bags outside of receptacles
  - Reactive Services

### **Issues for consideration**

7. PIB board to take into consideration that approval to re-procure is required no later than April 2022, to allow the FM integrator to initiate the re-procurement activity.
8. PIB board to take into consideration the service was last tendered in early 2021, however only one tender was received from the incumbent (PHS) and this showed a significant price increase on current contract rates.
9. PIB board to take into consideration the request to procure via ESPO framework 239, allows the Authority to mitigate the potential increased cost

of having to run the re-procurement via the open market procedure. Benchmarking (in the BJP) indicates that the ESPO route will deliver better value for money than an open tender.

### **Contributes to the MOPAC Police & Crime Plan 2017-2021<sup>1</sup>**

10. This is for the Provision of Clinical and Offensive Waste services specifically to provide the collection of Offensive and Clinical Waste from internal and external locations across the Authority's estate to support policing operations and officer welfare.

### **Financial, Commercial and Procurement Comments**

11. Framework agreements available for use by the following organisations have been reviewed:

- Crown Commercial Services (CCS)
- Eastern Shires Purchasing Organisation (ESPO)

Additional framework organisations were contacted however at this stage no response was received from;

- GLA
- National Framework Partnerships
- NHS

12. Re-procurement activity for the Clinical and Offensive Waste via ESPO (Eastern Shires Purchasing Organisation) Framework 239 including re-packaging elements of the scope of requirements in line with Public Contracts Regulations 2015 (PCR2015). At forecasted value of £639,402 for a contract term of 5 years (3 years base term + two 1 year extensions) at £127,880 per annum.
13. It is recommended that a headroom of 25% is added to the awarded contract value to provide resilience in support of operational policing and an ability to respond where needed. This will also take into account the expected increase in demand associated with the recruitment of 6000 new policing officers. The proposed new contract value is £799,253.13.
14. MPS confirm that funding will be made available for the future and potential increase/headroom identified in this paper. Property Services (Real Estate Management) will manage any future additional demand on these services and compensate any additional financial pressure through managing other reactive/user requests/demands
15. The evaluation criteria will be based on the appropriate weightings of technical capability, commercial compliance & pricing competitiveness.
16. It is recommended that the Procurement is for a base term of 3 years with two optional 1 year extensions.
17. Further information is contained in the restricted section of the report.

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<sup>1</sup> [Police and crime plan: a safer city for all Londoners | London City Hall](#)

18. Under the London Anchor Institutions' Charter<sup>2</sup>, we will ensure that bidder compete for the contract based on the obligations to:
- deliver local employment and their innovation in doing so;
  - have inclusion and diversity values that are reflected within their workforce;
  - work towards achieving 80% recycling;
  - have apprenticeship schemes in place; and
  - bring innovations into reducing their carbon footprint whilst working towards carbon net-zero
- The bidders responses will be evaluated on the above criteria which will form an integral part of MOPAC's intended contract obligations on the supplier.
19. The CSR (Corporate Social Responsibility) and Social Value elements (including the anchor institution charter) will be worked through together with MOPAC (Mayor's Office for Policing and Crime) colleagues to be built into the scope of service.
20. The MPS will ensure ESPO have included the AIC (Anchor Institutions' Charter) requirements as a part of the ITT (invitation to tender) pack when tendering on behalf of the MPS. This will constitute part of the social value/ responsible procurement section that will have a minimum of 10% weighting on the tender evaluation.

### Legal Comments

21. The Mayor's Office for Policing and Crime is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of public contracts for goods and/or services valued at £213,477 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.
22. Paragraph 11 of this report confirms the MOPAC's (Mayor's Office for Policing and Crime) route to market would be to use an eligible framework agreement. The use of a framework of this type is capable of being compliant with the Regulations. The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime can approve business cases for revenue or capital expenditure of £500,000 and above.
23. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the DMPC (Deputy Mayor for Policing and Crime) has delegated authority to approve all requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest.

### Equality Comments

24. Minimal impacts - Due diligence of any provider is always undertaken to maintain the highest levels of equality and noting the MOPAC commitment across all contracts to guarantee payment of the Mayors London Living Wage.
25. The framework provider ESPO (Eastern Shires Purchasing Organisation) have completed all due diligence against their suppliers including Equality

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<sup>2</sup> <https://www.london.gov.uk/coronavirus/londons-recovery-coronavirus-crisis/anchor-institutions-charter>



and Diversity. MPS have confirmed with ESPO that the London Living Wage must be used for this tender.

### **Privacy Comments**

1. The project does not use personally identifiable data of members of the public, so there are no GDPR (General Data Protection Regulation) issues to be considered.

### **Real Estate Implications**

2. This information is contained in the restricted section of the report.

### **Environmental Implications**

3. There are no additional environmental risks arising from this request.
4. The FM (Facility Management) integrator has worked closely with the Authority's Environment and Sustainability Team to ensure that a supply chain is procured which has an environmental capability relating to service delivery aligned to Authority's sustainability programmes.
5. The FM integrator and the Authority have developed a set of contractual provisions for suppliers working with the Authority, including a set of robust requirements relating to sustainability embedded in the contracts. In addition, The FM integrator has developed a Contract Health, Safety and Environment plan which sets out how the contract will be delivered in a way which meets the Authority's sustainability standards and environmental compliance, and where applicable, industry best practice.

### **Background/supporting papers**

6. There are no supporting papers included in part 1

Report author: Keeley Richfield (FM integrator) – MPS Procurement Team

### **Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.**

The Government Security Classification marking for Part 2 is:  
OFFICIAL-SENSITIVE [COMMERCIAL]

Part 2 of Initiation of the procurement for Clinical and offensive waste via ESPO (Eastern Shires Purchasing Organisation) Framework 239 in Line with Public Procurement Regulations 2015 is exempt from publication for the following reasons:

- Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests).
- The relevant sections under the FOIA that would exempt this information from disclosure, for example:
  - Commercial Interest Section 43

The paper will cease to be exempt until April 2028 – 5 years after the contract award.